

REMARKS

I. Status of Claims

Claims 1-20 are pending. Claims 1, 12 and 18 are independent. Applicant thanks Examiner for indicating that claims 9, 10 and 14 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

II. Objection to the Specification and Rejection under 35 U.S.C. §112, second paragraph, as being indefinite

The Examiner has objected to the specification and rejected claim 6 under 35 U.S.C. §112, second paragraph, as being indefinite because the specification recites “2,34mm” whereas claim 6 recites “34 mm thick”. By virtue of the above amendment to the specification and to claim 6, the objection to the specification and the rejection to claim 6 under 35 U.S.C. §112, second paragraph, are overcome. Accordingly, Applicant respectfully requests that the objection to the specification and the rejection to claim 6 under 35 U.S.C. §112, second paragraph, be withdrawn.

III. Rejections under 35 U.S.C. §102(a) as being anticipated by INAUEN (US 2005/0243493 A1)

The Examiner has rejected claims 1-5, 7, 11-13, 15, 17 and 18-19 under 35 U.S.C. 102(a) as being anticipated by INAUEN (US 2005/0243493 A1). Applicant respectfully requests reconsideration of the rejections because INAUEN is not prior art. The Applicant's invention was filed on November 14, 2003 and claims the benefit under 35 U.S.C. §119(a) of Russian Patent Application No. 2002130595 filed on November 15, 2002. Thus, the priority date of the Applicant's invention is November 15, 2002. INAUEN is a US Patent Application Publication that published on November 3, 2005 and is a 35 U.S.C. §371 application based on PCT/CH03/00329 filed on May 22, 2003 and the PCT claims priority to Swiss Patent Application No. 1100/02, filed June 26, 2002.

INAUEN's 102(a) date is its publication date, namely November 3, 2005. As the Applicant's filing date, November 14, 2003, is clearly prior to the INAUEN's publication date, November 3, 2005, INAUEN is not available as prior art against the Applicant under 35 U.S.C. §102(a). For the same reason INAUEN is not available as prior art against the Applicant under

35 U.S.C. §102(b). Furthermore, INAUEN is not available as prior art against the Applicant under 35 U.S.C. §102(e). In this case, while INAUEN is based upon an international application, the international application was not published in English. Thus, INAUEN does not have a 102(e) date and a rejection is only available under 102(a) or 102(b). However, as described above, INAUEN can not be applied as prior art under 102(a) or 102(b). As such, INAUEN is not available as prior art against the Applicant.

Therefore, claims 1-5, 7, 11-13, 15, 17 and 18-19 are allowable over INAUEN for the reasons given above and withdrawal of the rejections based on INAUEN are hereby requested.

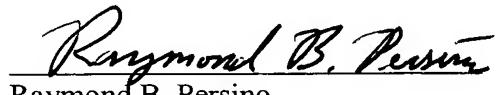
IV. Rejections under 35 U.S.C. §103(a) as being unpatentable over INAUEN (US 2005/0243493 A1) in view of RUCKMAN (US 4,571,656 A)

The Examiner has rejected claims 8 and 16 under 35 U.S.C. §103(a) as being unpatentable over INAUEN (US 2005/0243493 A1) in view of RUCKMAN (US 4,571,656 A). Dependent claims 8 and 16 are allowable for the reasons given above by virtue of their dependence on independent claims 1 and 12. Moreover, RUCKMAN fails to make up the deficiencies in INAUEN. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 8 and 16.

V. Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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